

Court of Appeals, State of Michigan

ORDER

Latasha Booth v Legacy CHM

Docket No. 356148

LC No. 19-001205-NH

Anica Letica
Presiding Judge

Kirsten Frank Kelly

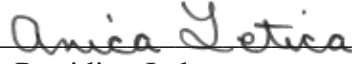
Michael J. Riordan
Judges

The motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(E)(2), the trial court's December 11, 2020 order granting plaintiff's motion to compel discovery is REVERSED, and the matter REMANDED for further proceedings. With regard to plaintiff's discovery request for photographs, there is no indication that any photographs exist that were not already in plaintiff's possession. Thus, there was no discovery to compel. With regard to plaintiff's request for defendant's "guidelines, policies, procedures, and/or protocols . . . pertaining to intravenous line management in pediatric patients," plaintiff seeks such information to aid in establishing the standard of care. However, a hospital's internal policies and procedures are not relevant to establishing the standard of care and cannot be used for that purpose. *Estate of Corrado v Rieck*, ___ Mich App ___; ___ NW2d ___ (2020) (Docket No. 346920), slip op at 6-7. Plaintiff is thus not entitled to discovery of that information. See MCR 2.302(B)(1) ("Parties may obtain discovery regarding any non-privileged matter that is relevant to any party's claims or defenses . . ."). Accordingly, the trial court abused its discretion by granting plaintiff's motion to compel discovery. *Cabrera v Ekema*, 265 Mich App 402, 406-407; 695 NW2d 78 (2005) ("[A] trial court should also protect the interests of the party opposing discovery so as not to subject that party to . . . irrelevant discovery requests").

The motion to waive transcript production is DENIED AS MOOT. No hearing was held on the motion to compel discovery, and thus, defendants were not required to produce a transcript to perfect this appeal. See MCR 7.205(B)(4); MCR 7.204(C)(2).

This order is to have immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.


Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

March 3, 2021

Date


Chief Clerk